THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.3271 OF 1999

DATED: 20-06-2006

Between:

G.Tataiah . . .Petitioner

and

Govt. of A.P. and others . . .Respondents

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.3271 OF 1999

O R D E R:

This writ petition is filed questioning the order passed by the third respondent, dated 09-11-1993, in L.T.R.P.No.11 of 1993 directing eviction of the petitioner in exercise of the powers conferred under Sub-Section (1) of Section 3 of the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959 (for short "Regulation 1 of 1959") as confirmed by the Agent to the Government in C.M.A.No.11 of 1993 as well as by the first respondent in G.O.Ms.No.39, dated 24-04-1998.

It is not in dispute that the land covered by the above proceedings is situated in agency area. The eviction proceedings were initiated under Regulation 1 of 1959 on an allegation that the writ petitioner, who is a non-tribal, had leased out the petition schedule land to respondents 4 and 5 herein for cultivation about six years ago in contravention of the provisions of Section 3 of Regulation 1 of 1959. The third respondent on appreciation of the material on record while directing eviction, recorded a specific finding that the land in question was transferred in violation of the provisions of Regulation 1 of 1959 and the same was in occupation of non-tribals since last six years. The said finding of fact recorded by the third respondent was confirmed on appeal in C.M.A.No.11 of 1993 and the same was also upheld by the first respondent by order, dated 24-04-1998.

Having heard the learned counsel for the writ petitioner and the learned Government Pleader appearing for the respondents, I do not

find any justifiable reason to interfere with the said concurrent findings of fact recorded by respondents 1 to 3. In the light of the finding recorded that the transfer in question was in contravention of the provisions of Regulation 1 of 1959, the impugned order does not warrant any interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India.

The writ petition is accordingly dismissed. No order as to costs.

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(G.ROHINI, J)

20th JUNE, 2006.

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